

REMARKS

The Examiner has rejected Claims 17-28 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,607,996.

Upon submission of the Issue Fee payment for U.S. Serial No. 09/351,413 (now U.S. Patent No. 6,607,996), Applicant inadvertently listed Tomoegawa Paper Co., Ltd. as an additional assignee of record of the invention. However, no such assignment was ever made and the entry of Tomoegawa Paper Co., Ltd. was an error.

Thus, there is common ownership of the claims of the subject application and those in U.S. Patent No. 6,607,996 and, therefore, Applicant respectfully requests that the rejection of claims 17-28 under the doctrine of obviousness-type double patenting be withdrawn. The common owner is UNITIKA LTD. Please note that the Notice of Recordation of Assignment Document of the present U.S. Serial No. 09/324,368 incorrectly spells UNITIKA as "UNITEKA"; however the actual Assignment attached to the recorded sheet correctly lists the assignee as UNITIKA LTD. (Assignment recorded at reel 010096 frame 0433).

For the Examiner's convenience, Applicant is enclosing herewith a copy of a Certificate of Correction which was submitted to the United States Patent and Trademark Office on June 18, 2003 in order to correct the aforementioned Assignee error in U.S. Patent No. 6,607,996, further demonstrating the common Assignee of 6,607,996 and the present U.S. Serial No. 09/324,368 is UNITAKE, LTD.

Enclosed herewith is a Terminal Disclaimer in the present U.S. Serial No. 09/324,368 to obviate double patenting rejection over prior commonly owned U.S. Patent No. 6,607,996.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Jan 20 04

By: 

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LDES:mnmlf-s

G:\ldescher\5079 (Morimoto International Patent Office)\000003.CPA\Response (due 02-14-04)\Response to OA 11-14-03.doc



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September 5, 2003

Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Attorney Docket No. 5079-000003/CPB
U.S. Patent No. **6,607,996** / Issued: August 19, 2003
Title: "Biodegradable Filament Nonwoven Fabric and Method of Producing The Same"
Inventors: Matsunaga et al.

Sir:

We have reviewed the above-indicated patent and have found an error which appears to require a Certificate of Correction.

Enclosed herewith is an original and a copy of the Patent and Trademark Office Certificate of Correction form which we request be approved for the above-indicated patent. Also enclosed is our check for \$100.00 to cover the fees for this correction.

If for some reason applicant has not paid a sufficient fee in regard thereto please charge our Deposit Account No. 08-0750 for any further fees which may be due. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By: 

Linda M. Deschere


Reg. No. 34,811

HARNESS, DICKEY & PIERCE, P.L.C.

Attorneys for Patentee

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 5 2003.

By 

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,607,996 B1

DATED : August 19, 2003

INVENTOR(S) : Matsunaga et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Front page: Assignees (73): Delete "Tomoegawa Paper Co., Ltd., Tokyo (JP);"

MAILING ADDRESS OF SENDER: Linda M. Deschere
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PATENT NO. 6,607,996 B1

No. of additional copies

